



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Alan S. Ward  
Serial No. 09/761,152

Title: Method of Generating Profile-  
optimized Code  
Filed: January 17, 2001  
Examiner: Roche, Trenton J.  
Art Unit: 2124

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear sir:

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MAY 20 2004

Technology Center 2100

**MAILING CERTIFICATE UNDER 37 C.F.R. §1.8(A)**  
I hereby certify that the above correspondence is being deposited with the  
U.S. Postal Service as First Class Mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Robert L. Troike*  
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Robert L. Troike, Reg. No. 24,183

*5/17/04*  
\_\_\_\_\_  
Date

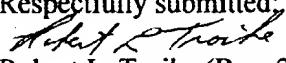
**AMENDMENT UNDER 37 C.F.R. 1.111**

The following amendments and remarks are offered in response to the Examiner's Office Action dated January 16, 2004. They are respectfully submitted as a full and complete response to that Office Action. The applicant herewith includes a petition to Commissioner for Patents to extend the time for reply to the Office action dated January 16, 2004 one month from April 16, 2004 to May 16, 2004. The Commissioner for Patents is hereby authorized to charge the costs or any other fees which may be required to Deposit Account No. 20-0668 of Texas Instruments Incorporated. This includes the fee for the one month extension of time or other extensions of time.

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The examiner states that claims 1-11, 17 and 20-23 are provisionally rejected for obvious type double patenting. Since the claims of application serial no. 09/510,217 are not yet patented there can be no double patenting. Further, since applicant's claims herein are not allowed there can be no double patenting. Further, applicant's allowed claims may be patently distinct from those in application serial no. 09/510,217. Applicants will therefore hold in abeyance the filing of a terminal disclaimer.

In view of the above claims 1-6, 10-19, and 24-33 are deemed allowable.

Respectfully submitted,  
  
Robert L. Troike (Reg. 24183)

Telephone No.(301) 259-2089